Security Intelligence Review Committee

2013-14

Report on Plans and Priorities

The Right Honourable Stephen Harper
Prime Minister of Canada

Table of Content

Chair's Message 1

Section I: Organizational Overview 3

Raison d'être 3

Responsibilities 3

Strategic Outcome and Program Alignment Architecture (PAA) 3

Organizational Priorities 4

Risk Analysis 5

Planning Summary 6

Expenditure Profile 8

Estimates by Vote 9

Section II: Analysis of Programs by Strategic Outcome 10

Strategic Outcome 10

Program: Reviews 10

Planning Highlights 11

Program: Complaints 12

Planning Highlights 13

Program: Internal Services 14

Planning Highlights 15

Section III: Supplementary Information 16

Financial Highlights 16

Future-Oriented Financial Statements 17

List of Supplementary Information Tables 17

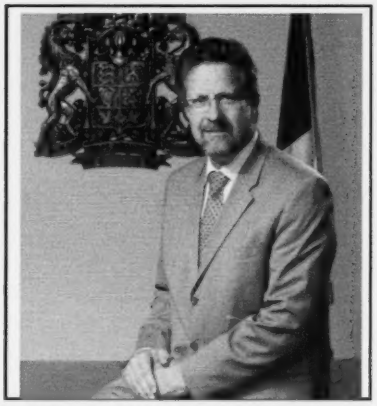
Tax Expenditures and Evaluations Report 17

Section IV: Other Items of Interest 18

Organizational Contact Information 18

Additional Information 18

Chair's Message



I am very pleased to submit the Security Intelligence Review Committee's Report on Plans and Priorities for 2013-14.

For more than a quarter of a century, the Security Intelligence Review Committee has been an integral component of the democratic accountability of the Canadian Security Intelligence Service (CSIS) by ensuring that it acts appropriately, effectively and lawfully in protecting Canada's national security.

For the first time, pursuant to section 6(4) of the CSIS Act, the report provided by the Director of CSIS to the Minister of Public Safety will now be reviewed by SIRC who will provide the Minister of Public Safety with a certificate stating the extent to which it is satisfied with the content of the report. The Security Intelligence Review Committee will continue to conduct in-depth thematic reviews of CSIS's activities and promote discussion of security intelligence issues. The focus in 2013-14 will remain centred on producing comprehensive reviews as well as issuing timely reports and conducting effective investigations. The investigative process will be enhanced through modernizing the rules of procedures in order to increase efficiency while preserving fairness and protection of confidential information.

It is with a great sense of pride and responsibility that the Security Intelligence Review Committee conducts ongoing, independent reviews of CSIS's operations and activities. I trust that this year's Report on Plans and Priorities will provide readers with further insight into Security Intelligence Review Committee's mandate to ensure that CSIS investigates and reports on threats to national security in a manner that respects the rule of law and the rights of Canadians.

The Honourable Chuck Strah P.C.
Chair

Section I: Organizational Overview

Raison d'être

The Security Intelligence Review Committee (SIRC) is an independent, external review body which reports to Parliament on the operations of the Canadian Security Intelligence Service (CSIS). The Prime Minister is responsible for this organization.

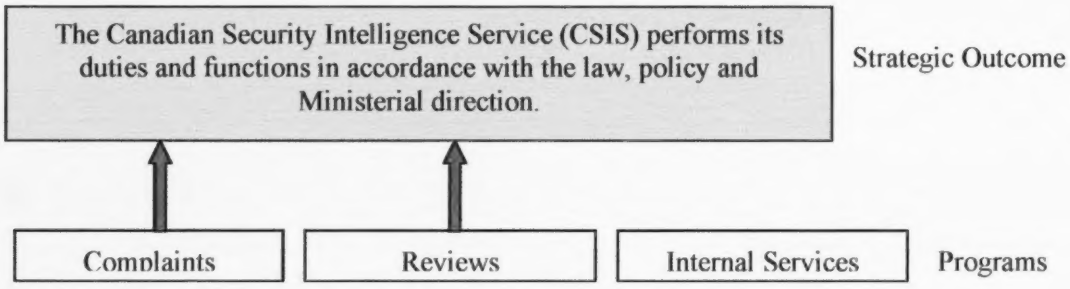
Parliament has given CSIS powers to ensure the security of Canadians. SIRC ensures that these powers are used legally and appropriately, in order to protect Canadians' rights and freedoms. To do this, SIRC examines past operations of the Service and investigates complaints. It has absolute authority to examine all information concerning CSIS activities, no matter how sensitive and highly classified that information may be. The result of this work, edited to protect national security and personal privacy, are summarized in its Annual Report to Parliament.

Responsibilities

SIRC's work is designed to provide expert advice to policymakers and lawmakers on CSIS's performance. It also serves to reassure Canadians that CSIS investigates threats to national security in a manner that respects Canada's core democratic values. The *Canadian Security Intelligence Service Act* (CSIS Act) continues to guide SIRC's work in assessing CSIS's performance against the mandate and authorities conferred upon it by Parliament in 1984.

Bill C-38, the *Jobs, Growth and Long-term Prosperity Act*, expanded SIRC's responsibilities. Pursuant to section 6(4) of the CSIS Act, the report provided by the Director of CSIS to the Minister of Public Safety will now be reviewed by SIRC who will provide the Minister of Public Safety with a certificate stating the extent to which it is satisfied with the content of the report.

Strategic Outcome and Program Alignment Architecture (PAA)


The Canadian Security Intelligence Service (CSIS) performs its duties and functions in accordance with the law, policy and Ministerial direction.
Strategic Outcome
Complaints
Reviews
Internal Services
Programs

Organizational Priorities

Priority	Type[1]	Strategic Outcome
Continual improvement for reviews.	Ongoing	Canadian Security Intelligence Service (CSIS) performs its duties and functions in accordance with the law, policy and Ministerial direction.

Description

Why is this a priority?

Continual improvement of SIRC's review process is vital to the fulfillment of its mandate.

Plans for meeting the priority

In 2013-14, SIRC will:

- continue to rely on thematic reviews in order to maximize its ability to assess a broader range of CSIS's activities;
- develop a new methodology for producing the certificate required by the Minister of Public Safety; and
- enhance its research methodology by engaging with academics and experts in the security intelligence field.

1. Type is defined as follows: **previously committed to**—committed to in the first or second fiscal year prior to the subject year of the report; **ongoing**—committed to at least three fiscal years prior to the subject year of the report; and **new**—newly committed to in the reporting year of the RPP or DPR.

Priority	Type[2]	Strategic Outcome(s) and/or Program(s)
Continual improvement for complaints.	Ongoing	Canadian Security Intelligence Service (CSIS) performs its duties and functions in accordance with the law, policy and Ministerial direction.

Description

Why is this a priority?

Continual improvement of SIRC's process for investigating complaints is central to the fulfillment of its mandate.

Plans for meeting the priority

In 2013-14, SIRC will:

- review its existing processes to ensure that complaints are investigated in a timely manner; and
- continue to assist new members of SIRC in presiding over fair, efficient and timely hearings.

Risk Analysis

The security intelligence community has witnessed many changes over the past dozen years. The challenges arising from these changes have been most visible in the commissions of inquiry led by Justices O'Connor, Iacobucci and Major as well as the engagement of the courts in national security issues, and in a number of recent judicial decisions which dealt specifically with SIRC's authorities under the *Charter of Rights and Freedoms*.

In 2013-14, SIRC will be operating under new leadership as both the Chair and Executive Director positions are recent appointments. In addition, Bill C-38, the *Jobs, Growth and Long-term Prosperity Act*, has expanded SIRC's responsibilities such that, for the first time, pursuant to section 6(4) of the CSIS Act, the report provided by the Director of CSIS to the Minister of

2. Type is defined as follows: **previously committed to**—committed to in the first or second fiscal year prior to the subject year of the report; **ongoing**—committed to at least three fiscal years prior to the subject year of the report; and **new**—newly committed to in the reporting year of the RPP or DPR.

Public Safety will now be reviewed by SIRC who will provide the Minister of Public Safety with a certificate stating the extent to which it is satisfied with the content of the report.

In addition to these new requirements, SIRC will continue to adapt its operations to the rapid pace of change in the security intelligence environment and turnover at the committee member level which could have significant impacts on SIRC's investigations of complaints.

Planning Summary

Financial Resources (Planned Spending — $ thousands)

Total Budgetary Expenditures (Main Estimates) 2013-14	Planned Spending 2013–14	Planned Spending 2014–15	Planned Spending 2015–16
2,766	2,986	2,983	2,974

Human Resources (Full-Time Equivalents—FTE)

2013–14	2014–15	2015–16
18	18	18

Planning Summary Table for Strategic Outcome and Programs ($ thousands)

Strategic Outcome	Program	Actual Spending 2010–11	Actual Spending 2011–12	Forecast Spending 2012–13	Planned Spending			Alignment to Government of Canada Outcomes
					2013–14	2014–15	2015–16	
Canadian Security Intelligence Service (CSIS) performs its duties and functions in accordance with the law, policy and Ministerial direction.	Reviews	1,039.	1,108	1,419	1,535	1,535	1,535	Strong and independent democratic institutions
	Complaints	1,047	569	645	735	735	735	Strong and independent democratic institutions
Sub –Total		**2,086**	**1,677**	**2,064**	**2,270**	**2,270**	**2,270**	

Planning Summary Table for Internal Services ($ thousands)

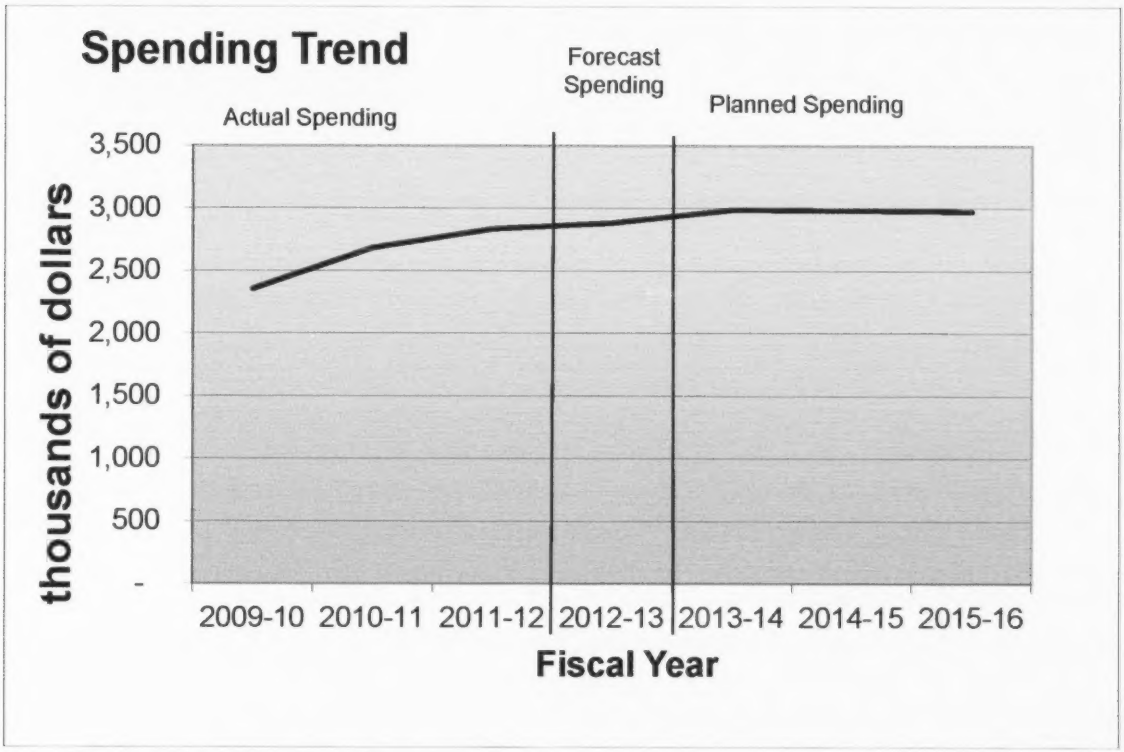
Program	Actual Spending 2010–11	Actual Spending 2011–12	Forecast Spending 2012–13	Planned Spending		
				2013–14	2014–15	2015–16
Internal Services	597	1,157	818	716	713	704
Sub-Total	**597**	**1,157**	**818**	**716**	**713**	**704**

Planning Summary Table ($ thousands)

Strategic Outcome Programs, and Internal Services	Actual Spending 2010-11	Actual Spending 2012-12	Forecast Spending 2012-13	Planned Spending		
				2013-14	2014-15	2015-16
Canadian Security Intelligence Service (CSIS) performs its duties and functions in accordance with the law, policy and Ministerial direction.	2,683	2,834	2,882	2,986	2,983	2,974

Expenditure Profile

Departmental Spending Trend



In 2012-13, SIRC will see a slight increase in spending due to additional funding received to support the expanded mandate of the organization as well as other pay list expenditures. Spending in 2013-14 through 2015-16 is expected to remain stable.

Estimates by Vote

For information on organizational appropriations, please see the *2013–14 Main Estimates* publication.

Section II: Analysis of Programs by Strategic Outcome

Strategic Outcome

Canadian Security Intelligence Service (CSIS) performs its duties and functions in accordance with the law, policy and Ministerial direction.

Program: Reviews

Program Descriptions

Conduct reviews of CSIS activities to ensure effectiveness, appropriateness and compliance. Develop an annual research plan identifying reviews to be conducted each year, examine CSIS operations, provide a retrospective examination and assessment of specific CSIS investigations and functions, examine information concerning CSIS activities, assess CSIS compliance, and issue findings and recommendations. The objective is to provide Parliament, the Minister of Public Safety and Canadians with a comprehensive picture of CSIS's operational activities, and assurance that CSIS is acting lawfully.

Financial Resources ($ thousands)

Total Budgetary Expenditures (Main Estimates) 2013-14	Planned Spending 2013–14	Planned Spending 2014–15	Planned Spending 2015–16
1,383	1,535	1,535	1,535

Human Resources (Full-Time Equivalent—FTE)

2013–14	2014–15	2015–16
10	10	10

Program Expected Results	Performance Indicators	Targets
Quality reviews are completed according to annual Research Plan.	Percentage of draft research papers accepted by the Committee, without substantive alteration, during first review.	85 %
	Percentage of reviews completed as per SIRC's annual Research Plan.	100%

Planning Highlights

SIRC's reviews are designed to provide Parliament and the Canadian public with a broad understanding of CSIS's operational activities. In carrying out its reviews, SIRC examines how CSIS has performed its duties and functions and determines whether CSIS has acted appropriately, effectively and in accordance with the law. SIRC's reviews provide a retrospective examination and assessment of specific CSIS investigations, programs and activities.

SIRC's research program is designed to address a broad range of subjects on a timely and topical basis. In deciding which matters to review, SIRC considers: events or developments with the potential to represent threats to the security of Canada; intelligence priorities identified by the Government of Canada; CSIS activities that could have an impact on individual rights and freedoms; issues identified in the course of SIRC's complaints functions; new directions and initiatives announced by or affecting CSIS; and the CSIS Director's annual classified report submitted to the Minister of Public Safety.

Each review results in a snapshot of the CSIS's actions in a specific case. This approach allows SIRC to manage the risk inherent in being able to review only a small number of CSIS activities in any given year.

SIRC's reviews assess CSIS's performance and may include findings and non-binding recommendations. These reviews are submitted to the Director of CSIS, Public Safety Canada, the Inspector General CSIS, and, in special circumstances, directly to the Minister of Public Safety. A declassified summary of each review is included in SIRC's Annual Report. The objective is to provide Parliament and Canadians with "snapshots" of past CSIS operations that, over time, provide a comprehensive picture of CSIS's performance.

SIRC's Annual Report to Parliament is the primary method for informing Canadians about its work. To the best of its ability and within the legal constraints governing national security and privacy, every review undertaken and every complaint acted upon, is summarized in SIRC's Annual Report. In accordance with Section 53 of the CSIS Act, SIRC submits this report to the Minister of Public Safety "not later than September 30th" of each fiscal year, for tabling in Parliament within the next 15 days in which the House is sitting.

Program: Complaints

Program Descriptions

Conduct investigations into complaints concerning CSIS made by either individuals or groups as per the CSIS Act. Under Section 41 of the CSIS Act, SIRC investigates "any act or thing done by the Service"; under Section 42, SIRC investigates complaints about denials of security clearances to federal government employees and contractors. SIRC may also conduct an investigation in relation to referrals from the Canadian Human Rights Commission and Minister's reports in regards to the Citizenship Act.

If jurisdiction is established, complaints are investigated through a quasi judicial hearing presided over by one or more Committee members. The time to investigate and resolve a complaint will vary in length depending on the complexity of the file, the quantity of documents to be examined, the number of hearing days required and the availability of the participants.

On completion of a Section 41 investigation, SIRC provides a report to the Director of CSIS and to the Minister of Public Safety, as well as a declassified version of the report to the complainant. On completion of a Section 42 investigation, SIRC reports its findings and any recommendations to the Minister of Public Safety, the Director of CSIS and the Deputy Head concerned, and provides a declassified version of the report to the complainant.

Financial Resources ($ thousands)

Total Budgetary Expenditures (Main Estimates) 2013-14	Planned Spending 2013–14	Planned Spending 2014–15	Planned Spending 2015–16
701	735	735	735

Human Resources (Full-Time Equivalent—FTE)

2013–14	2014–15	2015–16
3.5	3.5	3.5

Program Expected Results	Performance Indicators	Targets
Parties before SIRC receive a fair and timely resolution of their complaint	Percentage of complaint decisions upheld by the Federal Court on judicial review	100%
	Percentage of complaints cases completed according to service standards.	85%

Planning Highlights

SIRC conducts investigations into complaints concerning CSIS made by either individuals or groups. The types of complaints that SIRC investigates are specified in the CSIS Act. Under Section 41 of the CSIS Act, SIRC investigates "any act or thing done by the Service"; under Section 42, SIRC investigates complaints about denials of security clearances to federal government employees and contractors. SIRC may also conduct an investigation in relation to referrals from the Canadian Human Rights Commission and Minister's reports in regards to the *Citizenship Act*.

The time to investigate and resolve a complaint will vary in length depending on a number of factors, such as the complexity of the file, the volume of documents to be examined, the number

of hearing days required (both in the presence and in the absence of complainants), and the availability of the participants.

The CSIS Act provides for SIRC hearings to be conducted "in private". All parties have the right to be represented by counsel and to make representations at the hearing, but no one is entitled as of right to be present during, have access to, or comment on representations made to SIRC by any other person. A party may request an ex parte hearing (i.e. a hearing in the absence of the complainant or possibly other parties) to present evidence which, for reasons of national security or other reasons considered valid by SIRC, cannot be disclosed to the other party or their counsel. During such hearings, SIRC's legal team will cross-examine the witnesses to ensure that the evidence is appropriately tested and reliable, in order to provide the Committee's presiding member with the most complete and accurate factual information relating to the complaint. Once the ex parte portion of the hearing is completed, SIRC will determine whether the substance of the evidence can be disclosed to the excluded parties. If so, SIRC will prepare a summary of the evidence and provide it to the excluded parties once it has been vetted for national security concerns.

When SIRC's investigation of a complaint made under Section 41 is concluded, SIRC provides a report to the Director of CSIS and to the Minister of Public Safety, as well as a declassified version of the report to the complainant.

On completion of an investigation in relation to a complaint under Section 42 of the CSIS Act, SIRC reports its findings and any recommendations to the Minister, the Director of CSIS and the Deputy Head concerned, and provides a declassified version of the report to the complainant.

Pursuant to Section 42 of the CSIS Act, individuals who have been denied a security clearance must be informed of this action by the Deputy Head of the organization. These individuals have the right to make a complaint to SIRC and, where appropriate, SIRC will investigate and report its findings and any recommendations to the Minister, the Director of CSIS, the Deputy Head concerned and the Complainant.

Program: Internal Services

Program Descriptions

Internal Services are groups of related activities and resources that are administered to support the needs of programs and other corporate obligations of an organization. These groups are: Management and Oversight Services; Communications Services; Legal Services; Human Resources Management Services; Financial Management Services; Information Management

Services; Information Technology Services; Real Property Services; Materiel Services; Acquisition Services; and Travel and Other Administrative Services. Internal Services include only those activities and resources that apply across an organization and not to those provided specifically to a program.

Financial Resources ($ thousands)

Total Budgetary Expenditures (Main Estimates) 2013-14	Planned Spending 2013–14	Planned Spending 2014–15	Planned Spending 2015–16
682	716	713	704

Human Resources (Full-Time Equivalent—FTE)

2013–14	2014–15	2015–16
4.5	4.5	4.5

Planning Highlights

The Privy Council Office provides some administrative and financial services to SIRC through a Memorandum of Understanding (MOU), the cost of that MOU is accounted for within this Activity. As a micro-agency, SIRC relies heavily on experienced staff to ensure that the quality of its work is maintained. A micro-agency such as SIRC cannot afford to be inefficient or miss opportunities to leverage existing technologies in its day to day work. Therefore, SIRC continues to develop information technology infrastructure and its policy framework. SIRC will continue to assess its internal processes and introduce additional internal policies and procedures.

Section III: Supplementary Information

Financial Highlights

Future-Oriented Condensed Statement of Operations and Departmental Net Financial Position

For the Year (ended March 31)

($ thousands)

	$ Change	Forecast 2013-14	Estimated Results 2012-13
Total expenses	90	3,399	3,309
Net cost of operations before government funding and transfers	**90**	**3,399**	**3,309**
Departmental net financial position	**4**	**-158**	**-162**

The forecasted increase of $90 thousand in total expenses for fiscal year 2013-14, compared to fiscal year 2012-13, is due to an increase in salary expenditures. This increase was partially offset by reductions in the areas of professional and special services, accommodations, transportation and telecommunication.

Future-Oriented Condensed Statement of Financial Position

For the Year (ended March 31)

($ thousands)

	$ Change	Forecast 2013-14	Estimated Results 2012-13
Total net liabilities	-30	407	437
Total net financial assets	-37	210	247
Departmental net debt	**7**	**197**	**190**
Total non-financial assets	11	39	28
Departmental net financial position	**4**	**-158**	**-162**

As shown in the Future-Oriented Condensed Statement of Financial Position in 2013-14, there is a forecasted decrease of $30 thousand in net liabilities and $37 thousand in net financial assets. These forecasted decreases are a result of reductions in non-salary expenses. For 2013-14, there is a forecasted increase in non-financial assets of $11 thousands due to the acquisition of capital assets.

Future-Oriented Financial Statements

http://www.sirc-csars.gc.ca/opbapb/fstefi/index-eng.html

List of Supplementary Information Tables

All electronic supplementary information tables listed in the 2013-14 Reports on Plans and Priorities can be found on the Security Intelligence Review Committee's website.

- Greening Government Operations
- Summary of Capital Spending by Program Activity

Tax Expenditures and Evaluations Report

The tax system can be used to achieve public policy objectives through the application of special measures such as low tax rates, exemptions, deductions, deferrals and credits. The Department of Finance publishes cost estimates and projections for these measures annually in the Tax Expenditures and Evaluations publication. The tax measures presented in the Tax Expenditures and Evaluations publication are the sole responsibility of the Minister of Finance.

Section IV: Other Items of Interest

Organizational Contact Information

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Additional Information

Legislation Administered: *Canadian Security Intelligence Service Act*